IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO. 1197 OF 2005

Meena Naresh Joshi nee Meena B. Joshi ..Petitioner

Versus

Municipal Corporation of Gr. Mujmbai and Ors. ... Respondents.

Mr.M.M. Vashi for the petitioner.
Mrs. P.A. Purandare for respondent Nos. 1 and 2.
Mr. R.A. Thorat for respondent No.3.

CORAM: **DALVEER BHANDARI, C.J.** &
S.J. VAZIFDAR, J.
DATE: **JUNE 27, 2005**.

P.C.

The petitioner in this petition has prayed that respondents be directed not to demolish petitioner's structure and/or act upon the notice dated 28th March, 2005 issued under Section 351 of the B.M.C. Act, without following the procedure laid down by this Court in the case of Sopan Maruti Thopte and Anr. vs. Pune Municipal Corporation and Anr. (AIR 1996 Bom. 304).

2. Pursuant to the notice issued by this Court, affidavit in reply has been filed by the respondents. The Municipal Corporation, after considering the replies to the notice filed by the petitioner, passed a reasoned order on 22nd June, 2005, calling upon the petitioner to

remove the unauthorised structure within 15 days from the date of receipt of this notice otherwise the same will be demolished by the Corporation at the risk and cost of the petitioner, without giving further intimation. The learned counsel for the Corporation submits that despite their best efforts, the petitioner is not accepting the order passed by the Corporation on 22nd June, 2005. The order has been accepted by the Counsel for the petitioner in Court today. Therefore, 15 days from today, the petitioner is directed to demolish the unauthorised construction otherwise the same would be demolished by the Corporation at the risk and cost of the petitioner. This, of course, would be without prejudice to the rights and contentions of the petitioner to challenge this order in any court of competent jurisdiction. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.